



PTO/SB/64 (09-04)
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
0492611-0580

First named inventor: Langer, et al.

Application No.: 09/724,382

Art Unit: 1617

Filed: November 28, 2000

Examiner: Webman

Title: Semi-Interpenetrating or Interpenetrating Polymer Network for Drug Delivery and Tissue Engineering

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

RECEIVED

OCT 27 2004

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ 1,370.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to Office Action Under 37 CFR 1.116 and Request for Continued Examination:

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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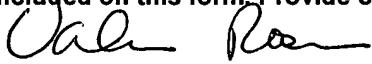
3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Signature

October 22, 2004

Date

Valarie B. Rosen

45,698

Typed or printed name

Registration Number, if applicable

Choate, Hall & Stewart, Exchange Place

(617) 248-5000

Address

Telephone Number

53 State St., Boston, MA 02109

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Request for Continued Examination, check in the amount of \$790.00

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

October 22, 2004

Date



Signature

Susan M. Dinsmore

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Langer, et al.

Examiner: Webman

Serial No.: 09/724,382

Art Unit: 1617

Filing Date: November 28, 2000

Title: SEMI-INTERPENETRATING OR INTERPENETRATING POLYMER NETWORK
FOR DRUG DELIVERY AND TISSUE ENGINEERING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 22, 2004


Susan M. Dinsmore

Sir:

ADDITIONAL INFORMATION FOR PETITION FOR REVIVAL UNDER 37 C.F.R. § 1.137(b)

Applicant submits herewith a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. §1.137. Applicant submits that the entire delay in submitting the required reply from the due date for the required reply until the filing of a grantable petition was unintentional. The application became abandoned for failure to file a response to the Office Action mailed November 26, 2002. Applicant submits that it was unaware that this Office Action had been mailed.

The attorneys of record for the application represented Applicant's licensee. Under the terms of the license, the licensee was not permitted to abandon any substantive claim without prior written permission from Applicant. Neither the attorneys of record nor the licensee notified Applicant of their receipt of the Office Action. The licensee filed for Chapter 11 bankruptcy protection under Title 11 of the U.S. Code, and the bankruptcy court ordered the file for the application transferred to the debtor's bankruptcy counsel. Applicant has been informed that the bankruptcy counsel failed to properly docket the deadline for response to the outstanding Office

Action. As a result, no response was filed and the application became abandoned. Applicant posted a routine inquiry to the original attorneys of record asking about the status of the application and learned that they no longer had the file for the application. Applicant located the file at the bankruptcy counsel and had it transferred to the undersigned.

Applicant respectfully submits that the abandonment of the application and the delay in filing the enclosed petition did not result from a deliberately chosen course of action on the part of the Applicant.

Please charge any fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully submitted,



Valarie B. Rosen
Registration Number 45,698
Date: October 22, 2004

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